

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240
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April 24, 2009

In Reply Refer To:
8270, 8365 (240) P

EMS TRANSMISSION 04/30/2009
Instruction Memorandum No. 2009-113
Expires: 09/30/2010

To: All State Directors

From: Assistant Director, Renewable Resources and Planning

Subject: Casual Collecting of Common Invertebrate and Plant Paleontological Resources
under the Paleontological Resources Preservation Act of 2009

Program Areas: Paleontological Resources Management, Visitor Services

Purpose: This Instruction Memorandum (IM) provides guidelines regarding casual collecting under the provisions of the Paleontological Resources Preservation Act (PRPA) of 2009.

Policy/Action: The PRPA of 2009, Public Law 111-011, Title VI, Subtitle D, does not change the Bureau of Land Management's (BLM's) basic policy for allowing casual collecting of reasonable amounts of common invertebrate and plant fossils from public lands for personal use without a permit. Nor does the PRPA change the prohibition on bartering or selling common invertebrate and plant fossils.

Casual collecting in Section 6301(1) of PRPA means:

"... the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources."

The PRPA requires that the Secretary develop regulations implementing the legislation. These regulations will likely include definitions of certain commonly used terms.

In addition, the PRPA does not change BLM's requirement for issuance of a paleontological resources use permit for the collection of vertebrate and other paleontological resources of paleontological interest by qualified researchers.

The permit requirement in Section 6304 of the PRPA provides:

"Except as provided in this subtitle, a paleontological resource may not be collected from Federal land without a permit issued under this subtitle by the Secretary."

Section 6301(4) defines paleontological resource as:

"... any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth..."

Paleontological resources do not include any materials associated with an archaeological resource as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)), or any cultural item as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).

Basic BLM policies for collection under, and issuance of, paleontological resources use permits have not changed and will be clarified in subsequent instruction memoranda or in new regulations promulgated under the Act.

Timeframe: This guidance is effective immediately for all BLM offices.

Budget Impact: Costs are minimal for implementation of this policy.

Background: It has been the longstanding policy of the BLM to allow the hobby collecting of common invertebrate and plant fossils under the authority of the Federal Land Policy and Management Act (FLPMA) and the regulations at 43 CFR 8365.1-5(b). These authorities were supplemented by agency policy in manual section 8270, Paleontological Resource Management and guidance in handbook H-8270-1. The Manual and Handbook also established policy and guidance for the collection of paleontological resources and the issuance of permits for collection.

The PRPA of 2009, Public Law 111-011, Title VI, Subtitle D, is BLM's new legal authority governing casual collecting of common invertebrate and plant paleontological resources, or fossils, from public lands, as well as the issuance of permits for the collection of paleontological resources from public lands.

Manual/Handbook Affected: Manual Section 8270, Paleontological Resources Management and Handbook H-8270-1 (General Procedural Guidance for Paleontological Resource Management) are the recommended guidance for management of paleontological resources until such time as the final regulations have been promulgated, and new policy and direction in accordance with the PRPA are issued.

Coordination: Washington Office Division of Cultural Paleontological Resources and Tribal Consultation.

Contact: For questions regarding application of this policy and guidance, please contact Lucia Kuizon, National Paleontologist, at (202) 452-5107 or lkuizon@blm.gov.

Signed by:
Richard Hanes
Acting, Assistant Director
Renewable Resources and Planning

Authenticated by:
Robert M. Williams
Division of IRM Governance, WO-560

1 Attachment

1- Paleontological Resources Preservation Act of 2009 (6 pp)